



Clean Water And Natural Lands Advisory Commission

CITY AND COUNTY OF HONOLULU

530 South King Street, Room 208 • Honolulu, Hawaii 96813

COMMISSIONERS

Sherry P. Broder – Chairperson
Jason Kekahi “Kahi” Pacarro – Vice Chair
Keli’iahonui Kotubetey
William Reese Liggett
Elliott “Kai” Raymond Markell
William Kamana’olana Mills
Jamie Tanimoto

Meeting Minutes
Friday, January 14, 2022
9:00 a.m.
Meeting Held Virtually

CALL TO ORDER – Chair Sherry Broder called the meeting to order at 9:01 a.m.

Commissioners Present – Sherry Broder, Jason “Kahi” Pacarro, Keli’I Kotubetey, William Reese Liggett, Elliott “Kai” Raymond Markell, William Kamana’olana Mills, Jamie Tanimoto

Staff Resources Personnel Present

Melissa Kolonie, Deputy Corporation Counsel
Tammy Namihira, Budget and Fiscal Services (BFS)

Guests

Duane Pang, Corporation Counsel (COR)
Catherine Taschner, Department of Land Management (DLM)
Danielle Schaffner, Department of Land Management (DLM)

APPROVAL OF THE NOVEMBER 12, 2021 MEETING MINUTES

The minutes of the November 12, 2021 meeting was approved, 7-0 (AYE: Broder, Pacarro, Kotubetey, Liggett, Markell, Mills, Tanimoto); NAY: None; ABSTAIN: None).

DEPARTMENT OF BUDGET AND FISCAL PROVIDED AN UPDATE ON NEW APPLICATIONS, FUND BALANCE, COMMISSIONER’S TERMS AND 2022 MEETING CALENDAR.

Ms. Namihira updated the Commission that BFS has not received any new applications. Chair Broder asked if there was anything received from the Trust for Public Lands (TPL). Ms. Namihira indicated that there were none.

Ms. Namihira also advised the Commission that the total Clean Water and Natural Lands Fund (“Fund”) balance as of June 30, 2021 is approximately \$39 million. For Fiscal Year 2021, which lapses on June 30, 2022, the appropriation is \$17,982,000, and for Fiscal Year 2022, which lapses on June 30, 2023, the appropriation is \$17,167,000. Funds that are not encumbered by these dates are still in the Fund, it just will not be available for use until re-appropriated in the future. She shared a detailed spreadsheet of the approximate balance, appropriations, and pending transactions, which were approved for funding.

Chair Broder asked if the \$17 million would be added to the Fund. Ms. Namihira stated no and further explained

that the current total balance is approximately \$39 million and the \$17 million is a part of that.

Chair Broder then inquired if at the end of the June, whether more money would be put into the Fund. Ms. Namihira said yes and that the amount allowed by Chapter 2, Section 9-204 of the Revised Charter of Honolulu would be added into the Fund.

Chair Broder asked if there were any questions from the Commissioners. There were no other questions.

Ms. Namihira then updated the Commissioners that their terms are current and the next commission to expire would be Commissioner Mills', which comes up in October. Commissioner Mills was previously elected by the other members of the Commission.

Ms. Namihira then went over the 2022 meeting calendar and mentioned that a report on the five-year review of the Commission is due to City Council by January 31, 2022. She is already in the process in drafting the review letter and would send to Chair Broder for input and finalization.

Chair Broder requested that the draft also be sent to Vice Chair Pacarro for review and input.

ESTABLISHING A COMMISSION FINANCE COMMITTEE

After review and explanation by Ms. Namihira of the Fund balance, Chair Broder suggested that a finance committee would not be needed and asked if anyone had objections to not establishing the committee. All Commissioners were in agreement that a committee was not necessary.

PRESENTATION BY KUPA'AINA O KULI'OU'OU

Waipakawiwoole "Waipa" Parker, president of Kupa'aina O Kuli'ou'ou gave a detailed presentation as to why this project should be funded. "Protect Kuli'ou'ou" was formed in 2016 by community members who rallied to stop what they deemed as an unsafe cluster project. After previous failed attempts to purchase the parcel from the current land owner, Kupa'aina O Kuli'ou'ou ("Kupa'aina"), a domestic non-profit organization was established in 2020. This entity was formed to work with government agencies, outside interests and organizations. Its mission is community awareness and education on the preservation of the natural resources and open spaces, stewardship of the protection of watersheds, valley walls, forestlands and cultural and historic areas in Kuli'ou'ou. Its main purpose is to protect and preserve the lands outside of the urban boundary, lands near steep-sloped urban hillsides and the diminishing natural and cultural resources.

Kupa'aina wants to preserve one of the last undeveloped ridges in East Oahu known as Kalapa o Maua or Paiko Ridge. The ridge consists of approximately 337 acres of undeveloped land and the majority is zoned P-1 Preservation. A small area of approximately 3.497 acres is zoned R-7.5, Residential ("Parcel"). This Parcel is the area that Kupa'aina wants to protect as it acts a buffer for nearby significant cultural and historic properties. Several attempts have been made in the past to develop this Parcel with cluster homes.

In 2012, Livable Hawaii Kai Hui (LHKH) and the Trust for Public Land (TPL) attempted to purchase the large parcels of Paiko Ridge but were unsuccessful. In January 2021, Kupa'aina submitted an offer to the landowner to purchase the Parcel but was unsuccessful. In September 2021, LHKH and Kupa'aina began working together and LHKH successfully negotiated with the landowner to purchase the two large parcels that make up Paiko Ridge. The agreement between LHKH and Kupa'aina is that LHKH would acquire the two parcels and in turn allow Kupa'aina to obtain the Parcel through a bridge loan for \$1.7 million to be paid within 2 years.

Kupa'aina's intent is to downzone the Parcel to P-2 Preservation after it is subdivided from the rest of the ridge and acquired from LHKH. Kupa'aina is requesting funding from the CWNL fund for the acquisition of the Parcel and Kupa'aina would take ownership with a perpetual conservation easement with the City.

The Stewardship component would be met by preserving the mountain in its natural state and limit access to Kupa'aina staff for monitoring purposes. This would help prevent any disturbances to the area.

Mr. Parker ended his presentation by reiterating the importance of this acquisition as it would maintain the safety

of nearby residents and the quality of life for all Kuli'ou'ou residents. He thanked those involved in this process including LHKH, Maunalua Fishpond Heritage Center, the City and many others. Most importantly he thanked the CWNL Commission for its time and for hearing their presentation.

Chair Broder thanked Mr. Parker and commented that it was a terrific presentation. She asked if there were any questions.

Commissioner Markell echoed Chair Broder's comments and stated that a lot of time went into the presentation and in thirty years, that is one of the best presentations he's seen and thanked them for all time and effort that went into it.

Vice Chair Pacarro also commented that it was a very impressive presentation and it's one that is really hard to say "no" to. Checked off all the boxes that they are looking for. He did have a question about the two other large subdivisions above the property that are still at risk for development and if that is something that they are working on in preserving.

Mr. Parker replied that it was noted that the rest of the ridge will be acquired by LHKH and will be preserved.

Commissioner Liggett asked what historic experiences have they had with rock fall on this Parcel and who would be liable if any rock fall were to hit a house.

Mr. Parker explained that for this Parcel, Kupa'aina would be liable for any rock falls and they would get insurance for any type of incidents should they occur. He added that there is a retaining wall and fencing that acts as a barrier between the mountain and the homes below.

Ms. Angela Correa-Pei added that there hasn't been any rockslides on that side of the mountain but they will retain insurance in case that should ever happen.

Commissioner Kotubetey asked if the retaining wall and drainage easement will currently need any improvements or whether it is okay at this time.

Mr. Parker responded that it is currently in good shape as it was built as part of the 1987 Kaelelo development and there are two associations that are part of that development.

Vice-Chair Pacarro asked to reconfirm that the current land owner is willing to work with Kupa'aina to make this purchase happen.

Mr. Parker confirmed that thanks to the help of LHKH, who has a good working relationship with the owner, they are very willing to work with them.

Chair Broder asked what the estimated purchase price is.

Mr. Parker replied that it is \$1.7 million.

Chair Broder asked if the owner has agreed to that.

Mr. Parker replied yes.

Chair Broder asked if there will be any access to the public, for example, any hiking access or similar activities.

Mr. Parker replied no as the intent is to keep it in its current natural state as part of the mountain to minimize any disturbance to it as it exists. He added that there is currently no public access to the Parcel and the plan is to eventually downzone the Parcel.

Chair Broder asked if any studies have been done on rockslides on that side of the mountain and whether they inquired if it is possible to get insurance to cover a rockslide and what the cost would be?

Mr. Parker replied that only after the landslide on Papahehi Street was a study done by the USGS on the type of soil in the area. The cost of insurance has not been looked into yet as they were preparing for this presentation and it is next on their list to look into.

Chair Broder requested that the insurance information be sent in as soon as it is received.

Mr. Parker agreed to do so.

Commissioner Liggett stated that insurance requires a premium to be paid and asked how they are going to guarantee that the cost of the insurance premium will be kept up to date.

Mr. Parker replied that they are actively fundraising and applying for State Grants In Aid (GIA). The active fundraising will help cover these costs over time.

Mr. Stramer Reeves commented that part of the master plan of the 501c3 is to fundraise for any cost associated with this area and will be part of the annual cost to sustain the area.

Commissioner Liggett stated he was concerned that 30 years down the road, when we are no longer here, who would be paying for the insurance.

Ms. Elizabeth Reilly from LHKH shared that they have had some conversations with Kupa'aina on how their organization and business structure is set up. She stated that LHKH set up endowments for lands that they protect and knows that this group is also looking at that. That would take care of the concern that Commissioner Liggett has.

Ms. Correa-Pei added that their family has resided in the valley for over 100 years, their ohana are being raised here and that they are committed to this forever. She also commented that the structure and business portion of this is very important and appreciates LHKH and their partnership in helping to formulate that moving forward for the long term.

Commissioner Tanimoto asked to clarify what Mr. Parker had stated about GIA funding.

Mr. Parker responded that GIA are Grants-in-Aid funding.

Commissioner Mills thanked them for the awesome presentation and expressed his support of this endeavor.

Members of Kupa'aina thanked him.

Chair Broder asked if there were any other questions from the Commissioners and thanked Mr. Parker for their presentation.

Mr. Parker thanked the Commissioners for their time.

PUBLIC TESTIMONY

There were five people who testified orally (Keolani Noa, Andre Bisquera, Chris Cramer, Lyla Berg and Kendrick Chang) all in support of the project.

Chair Broder thanked everyone for coming on to share their feelings, thoughts and ideas and looks forward to hearing more on the project.

Chair Broder asked if there was anything else on the agenda.

Vice Chair Pacarro asked since it's been awhile since they have had an application, what the next step is in making a motion to support or not support the project.

Chair Broder advised that BFS would complete the review and submit the application to the Commission. She

was hoping for an application from TPL on their Maunawili project to be submitted and asked Ms. Namihira if that was done.

Ms. Namihira responded that the application for Kupa'aina was sent to the Commissioners last week and the outstanding items are the approval of the subdivision of the Parcel and eventually the title report. She stated that no application from TPL was received.

Chair Broder asked what the timeline of that is.

Ms. Namihira stated that it would depend on the completion of the subdivision from the Department of Planning and Permitting (DPP).

Mr. Parker stated that they will reach out to Director Uchida at DPP to find out the status.

Chair Broder requested that when the update on the insurance information is given that they give an update on the subdivision also.

ANNOUNCEMENT

Ms. Namihira shared that the next meeting is scheduled for February 11th at 9:00 a.m.

ADJOURNMENT – The meeting was adjourned at 10:15 a.m.

Respectfully Submitted,

Tammy Namihira

APPROVED:

Chair Sherry P. Broder

Date

The minutes of the Commission Meeting on
January 14, 2022 were approved at the
February 11, 2022 Commission Meeting.

	<u>Aye</u>	<u>No</u>	<u>Comment</u>
Sherry P. Broder	<input type="checkbox"/>	<input type="checkbox"/>	
Keli'i Kotubetey	<input type="checkbox"/>	<input type="checkbox"/>	
William Reese Liggett	<input type="checkbox"/>	<input type="checkbox"/>	
Elliott "Kai" Raymond Markell	<input type="checkbox"/>	<input type="checkbox"/>	
William Kamana'olana Mills	<input type="checkbox"/>	<input type="checkbox"/>	
Jason Kekahi "Kahi" Pacarro	<input type="checkbox"/>	<input type="checkbox"/>	
Jamie Tanimoto	<input type="checkbox"/>	<input type="checkbox"/>	